

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE [CORRECTED]

1. On page 19165, the CAS number for Mexacarbamate is revised to read 315-18-4.

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION [CORRECTED]

§ 302.4 [Amended]
2. Section 302.4 is amended by adding the following entry in numerical

order of the CAS Registry number to Appendix A to § 302.4 to read as follows.

APPENDIX A to § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES

CASRN	Hazardous substance
148185	Carbamodithioic acid, diethyl-, sodium salt (Sodium diethyldithiocarbamate).

[FR Doc. 95-11793 Filed 5-11-95; 8:45 am]
BILLING CODE 6560-50-P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 821

Aviation Rules of Practice; General Revisions

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This revision corrects an inadvertent change. By **Federal Register** notice published November 15, 1994 (59 FR 59042), the Safety Board revised a number of its rules of practice, including 49 CFR 821.48(e). The Board inadvertently failed to retain a part of that rule. This notice reinstates the sentence that was dropped.

DATES: The new rule is effective on May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 382-6540.

SUPPLEMENTARY INFORMATION: Effective January 17, 1995, the Safety Board implemented numerous revisions to its rules of practice. The rule at 49 CFR 821.48(e) was revised to permit the filing, subsequent to briefs, of citations to supplemental authorities. Unintentionally, the paragraph did not retain then-current language prohibiting other briefs, unless authorized on a showing of good cause. To avoid any future misinterpretation, by this notice, that sentence is reinstated.

List of Subjects in 49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

Accordingly, 49 CFR Part 821 is amended as set forth below.

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

1. The authority citation for Part 821 continues to read as follows:

Authority: Title VI, Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*); Independent Safety Board Act of 1974, Pub.L. 93-633, 88 Stat. 2166 (49 U.S.C. 1101 *et seq.*), and FAA Civil Penalty Administrative Assessment Act of 1992, Pub.L. 102-345 (49 U.S.C. 46301), unless otherwise noted.

2. Section 821.48 is amended by revising paragraph (e) to read as follows:

§ 821.48 Briefs and oral argument.

* * * * *

(e) *Other briefs.* Subsequent to brief filing, parties may file citations to supplemental authorities. This procedure may be used only for identifying new, relevant decisions, not to correct omissions in briefing or to respond to a reply. No argument may be included in such filings. Parties shall submit, with any decision, a reference to the page of the brief to which the decision pertains. Any response shall be filed within 10 days and shall be similarly limited. With this exception, no further briefs may be filed, except with specific permission of the Board and on a showing of good cause.

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Issued in Washington, D.C. on this 2nd day of May, 1995.

Daniel D. Campbell,
General Counsel.

[FR Doc. 95-11252 Filed 5-11-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217, 222, and 227

[Docket No. 950427117-5117-01; I.D. 040395A]

RIN 0648-AH97

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim rule.

SUMMARY: NMFS issues this interim rule to establish all inshore and offshore waters from Cape Canaveral, FL (28°24.6' N. lat.) to the North Carolina-Virginia border (36°30.5' N. lat.) as the leatherback conservation zone and to provide for short-term closures of areas in that zone when high abundance levels of leatherback turtles are documented. Upon such documentation, NMFS will prohibit, in the closed areas, fishing by any shrimp trawler required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED installed is specified in the regulations as having an escape opening large enough to exclude leatherback turtles. This interim rule is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls. In addition, NMFS is publishing a proposed rule elsewhere in this **Federal Register** to establish on a permanent basis the leatherback conservation zone and procedure for imposing short-term

restrictions designed to protect leatherbacks.

EFFECTIVE DATE: This rule is effective on May 9, 1995.

ADDRESSES: Requests for a copy of the environmental assessment (EA) or the contingency plan should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the collection-of-information requirement subject to the Paperwork Reduction Act (PRA) in this interim rule should be directed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, (813) 570-5312, or Russell J. Bellmer, (301) 713-1401.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act (ESA) of 1973. The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered. The incidental take and mortality of these species, as a result of fishing activities, have been documented in the Gulf of Mexico and along the Atlantic seaboard.

Under the ESA and its implementing regulations, it is prohibited to take sea turtles. The incidental taking of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations specified at 50 CFR 227.72, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing throughout the year. The use of TEDs significantly reduces mortalities of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

As a result of their primarily pelagic existence, leatherbacks normally occur outside of areas where they would be subject to taking by shrimp trawlers. During most months of the year, leatherbacks are not abundant in shrimp areas, and only isolated incidents of taking by trawlers occur. However, the coastal waters of northern Florida, Georgia, South Carolina, and North Carolina experience relatively high abundance levels of leatherbacks as a periodic winter and spring phenomenon. When leatherback abundance is high and shrimp trawlers are fishing, leatherback stranding pulses have been documented on adjacent beaches. A NMFS Biological Opinion prepared for a revision to the sea turtle conservation regulations, published in the **Federal Register** on December 4, 1992 (57 FR 57348), specifically addressed episodic stranding events from Florida through North Carolina, and required NMFS to develop and implement a contingency plan to solve this problem.

A contingency plan for protection of leatherback turtles on the Atlantic seaboard that can be implemented, if necessary, was prepared in cooperation with State officials from Florida, Georgia, and South Carolina. The necessity for implementation of protective measures for leatherback turtles is expected to be on an annual basis but only for short periods of time in relatively small, specific, areas at any one time. The plan considers several options to provide protection, and any or all of them may be implemented, if necessary. These options include: Closure of areas to all fishing, use of restricted tow times in lieu of TEDs, mandatory observers, and use of NMFS-approved TEDs with escape openings large enough to exclude leatherback turtles.

Aerial surveys have been conducted for sea turtles off the Florida and Georgia coasts since 1988 and off the coast of South Carolina since 1993. Beginning in December or January each year, concentrations of leatherback turtles occur in northeastern Florida waters. During the month of March, leatherbacks begin moving north and usually enter Georgia waters in late March or early April. Peak concentrations occur in Georgia waters during April and May and by mid-June the concentrations have left Georgia. Leatherback concentrations occur in waters off South Carolina from late April generally through the first part of June.

Shrimping occurs year round in northeastern Florida waters, but the activity levels during any given month

may vary from year to year. Shrimp fishing is closed in the State waters of Georgia until June 1 of each year, but shrimping begins in Federal waters off Georgia generally in April or early May. The State of South Carolina opens its waters to shrimping between May 15 and June 30, depending upon the presence of shrimp. Shrimping in Federal waters off South Carolina generally begins in early May. Based upon leatherback turtle concentration information and normal shrimp fishing activities, the most likely period for shrimp vessel interactions with leatherbacks in the leatherback conservation zone is January through June each year.

Each spring for the last 2 years, NMFS has issued temporary 30-day restrictions establishing a leatherback conservation zone (58 FR 28790, May 17, 1993; 59 FR 23169, May 5, 1994; 59 FR 29545, June 8, 1994). The only comment received in response to those restrictions is addressed below:

Comment: A mechanism for imposing immediate, short-term gear modifications, closures, and observer requirements in areas of potential high conflict between commercial fisheries and endangered species should be implemented on a systematic basis as part of NMFS fisheries management and protected species programs. A permanent solution should be adopted.

Response: NMFS agrees. Accordingly, by separate notice, NMFS is proposing the permanent establishment of a leatherback conservation zone and a procedure for imposing short-term restrictions designed to protect leatherback sea turtles based on specified criteria. However, this interim rule is being promulgated to address the immediate need to protect leatherbacks this season, and will be superseded upon promulgation of a final rule as a result of comments received upon the proposed rule.

Requirements

This interim rule establishes a framework whereby short-term closures may be instituted on an expedited basis in order to protect leatherbacks. Specifically, the rule establishes all inshore and offshore waters of the Atlantic area from Cape Canaveral, FL (28°24.6' N lat.), to the North Carolina-Virginia border (36°30.5' N lat.) as the "leatherback conservation zone."

During the months of January through June, NMFS will conduct weekly aerial surveys of the leatherback conservation zone. If sightings of leatherback turtles during such surveys exceed 10 animals per 50 nautical miles (nm) (92.6 km) of trackline, the survey will be replicated

within 24 hours, or as soon as practicable thereafter, to ensure that leatherback turtle presence is persistent in the area. If surveys demonstrate the continued presence of large concentrations of leatherbacks, NMFS will prohibit shrimp fishing in these specific areas by any shrimp trawler required to have a NMFS-approved TED installed in each net rigged for fishing, unless the TED installed is one of the NMFS-approved TEDs described below. These TEDs have been determined to have escape openings large enough to exclude leatherbacks. In addition, owners and operators of vessels operating in closed areas with an allowed TED, described below, must register with the Director, Southeast Region, NMFS (Regional Director) in accordance with 50 CFR 227.72(e)(6)(iv)(A) through (F). Upon written request by the Regional Director, they must carry a NMFS-approved observer aboard such vessel(s). A shrimp trawler in the leatherback conservation zone must comply with the terms and conditions specified in such written request, as well as provide information on trawling hours, gear modifications and turtle captures.

Notice of specific area closures will be published in the **Federal Register** and will be effective upon filing for public inspection at the Office of the Federal Register. Closures will be announced immediately on the NOAA weather channel, in newspapers, and other media. Areas with high leatherback abundance as documented by the aerial surveys will be closed for a period of 2 weeks. A closed area will include all, or a portion of, inshore and offshore waters 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 1° lat. coinciding with the trackline. Shrimp trawlers in the leatherback conservation zone are responsible for monitoring the NOAA weather channel for closure announcements. Shrimp trawlers may also call (813) 570-5312 for updated area closure information.

NMFS-Approved TEDs With Escape Openings Large Enough for Leatherback Sea Turtles

NMFS has approved modifications to the Taylor and the Morrison TEDs, as well as a modification to the single-grid hard TED, that will allow leatherback turtles to escape the trawl. Descriptions of the Taylor and Morrison TED modifications are found at 50 CFR 227.72(e)(4)(iii)(E), and the modified single-grid hard TED is described at 50 CFR 227.72(e)(4)(i)(G)(2)(ii).

Classification

This interim rule has been determined to be not significant for purposes of E.O. 12866.

This interim rule establishes a registration program that includes a collection-of-information requirement subject to the PRA, namely, registration by vessels fishing in the leatherback conservation zone from Cape Canaveral, Florida, to the Virginia-North Carolina border. This collection has been approved by OMB under control number 0648-0267. The public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be sent to NMFS and OMB (see **ADDRESSES**).

Pursuant to section 553(b)(B) of the Administrative Procedure Act (APA), the Assistant Administrator for Fisheries, NOAA, (AA) finds that there is good cause to waive prior notice and opportunity to comment on this interim rule. Delaying the establishment of the leatherback conservation zone and the mechanism to impose restrictions or closures would be impracticable and contrary to the public interest, because relatively high levels of leatherback turtle abundance have been reported recently in South Carolina waters. Closures and/or restrictions may need to be imposed quickly when shrimp fishing effort increases in that area in early May. This interim rule is needed at this time so that shrimp trawlers will monitor NOAA weather radio and prepare for closures and/or restrictions in specific areas where relatively high leatherback sea turtle concentrations are identified. Comments were solicited and received on the most recent temporary restrictions (59 FR 29565, June 8, 1994). Also, comments were solicited on the temporary rule establishing a leatherback conservation zone last year (58 FR 28790, May 17, 1993). In addition, comments were solicited on potential leatherback conservation measures (57 FR 57348, December 4, 1992), and a summary of the comments received and a response was published (57 FR 40859, September 8, 1992). NMFS also solicited comments in meetings with fishing groups and state officials concerning this problem. Pursuant to section 553(d) of the APA, the AA finds there is good cause to

waive the otherwise required 30-day delay in effective date for this action. Such delay is contrary to the public interest because, as stated above, high concentrations of leatherbacks have been reported in nearshore waters where shrimping may occur. In addition, such delay is unnecessary because advance preparation is not necessary to monitor the NOAA weather radio. While time may be needed to make the appropriate modifications to a Taylor, Morrison, or hard grid TED, restricted areas will be relatively small in size and shrimp trawlers should be able to operate in other areas with existing gear.

The AA prepared an EA for the this interim rule and concludes that, with specified mitigation measures, this action will have no significant impact on the human environment.

List of Subjects

50 CFR Part 217

Endangered and threatened species, Exports, Fish, Imports, Marine mammals, Transportation.

50 CFR Part 222

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: May 5, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 217, 222, and 227 are amended to read as follows:

PART 217—GENERAL PROVISIONS

1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1531–1544; and 742a *et seq.*, unless otherwise noted.

2. In § 217.12, a definition of “leatherback conservation zone” is added to read as follows:

§ 217.12 Definitions.

* * * * *

Leatherback conservation zone means all inshore and offshore waters bounded on the south by a line along 28°24.6' N. lat. (Cape Canaveral, FL), and bounded on the north by a line along 36°30.5' N. lat. (North Carolina-Virginia border).

* * * * *

PART 222—ENDANGERED FISH OR WILDLIFE

3. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. 1531–1543.

4. In subpart E, Incidental capture of endangered species, § 222.42 is added to read as follows:

§ 222.42 Special prohibitions relating to leatherback sea turtles.

Special prohibitions relating to leatherback sea turtles are provided at § 227.72(e)(2)(iv) of this chapter.

PART 227—THREATENED FISH AND WILDLIFE

5. The authority citation for part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

6. In § 227.72, paragraph (e)(2)(iv) is added to read as follows:

§ 227.72 Exceptions to prohibitions.

* * * * *

(e) * * *

(2) * * *

(iv) *Gear requirement—leatherback conservation zone—(A) Leatherback surveys.* From January 1 through June 30 of each year, weekly aerial surveys will be conducted (contingent upon weather conditions) by NMFS or state agents in the leatherback conservation zone (defined in § 217.12 of this chapter). If sighting rates of greater than 10 leatherback turtles per 50 nautical miles (92.6 km) of trackline are observed, the aerial surveys of that area will be replicated within 24 hours, or as soon as practicable thereafter.

(B) *TED requirements and registration.* If surveys pursuant to (e)(2)(iv)(A) of this section indicate a sighting rate within the leatherback conservation zone of greater than 10 leatherback sea turtles per 50 nautical miles (92.6 km) of trackline, NMFS will close, for a 2-week period, an area of the leatherback conservation zone encompassing all, or a portion of, inshore waters and offshore waters 10 nautical miles (18.5 km) seaward of the COLREGS demarcation line, bounded by 1° lat. coinciding with the trackline, within the leatherback conservation zone. Within such closed area, fishing by any shrimp trawler required to have a NMFS-approved TED installed in each net rigged for fishing is prohibited, unless the TED installed is one described at paragraph (e)(4)(i)(G)(2)(ii)

or paragraph (e)(4)(iii)(E) of this section, and the owner or operator of the shrimp trawler has notified the Director, Southeast Region, NMFS (Regional Director) of his or her intention to fish in that area, in accordance with the procedure provided in paragraphs (e)(6)(iv) (A) through (F) of this section. If requested in writing from the Regional Director, owners and operators of shrimp trawlers in the leatherback conservation zone must carry NMFS-approved observers aboard such vessel(s). A shrimp trawler in the leatherback conservation zone must comply with the terms and conditions specified in such written request, as well as provide information on trawling hours, gear modifications, and turtle captures.

(C) *Notification.* NMFS will immediately announce specific area closures on the NOAA weather radio channel, in newspapers, and other media. Specific area closures will be effective upon filing for public inspection at the Office of the Federal Register. Owners and operators of shrimp trawl vessels in the leatherback conservation zone are responsible for monitoring the NOAA weather radio channel for closure announcements. Shrimp trawlers may also call the Southeast Regional Office at (813) 570–5312 to receive updated area closure information.

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[FR Doc. 95–11581 Filed 5–9–95; 11:46 am]

BILLING CODE 3510–22–P

50 CFR Part 672

[Docket No. 950206041–5041–01; I.D. 050895A]

Groundfish of the Gulf of Alaska; Shallow-Water Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. This action is necessary because the second seasonal allowance

of Pacific halibut prohibited species catch (PSC) trawl limit apportioned to the shallow-water species complex in the GOA has been caught.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), May 8, 1995, until 12 noon, A.l.t., July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(f)(3)(i), the shallow-water species fishery, which is defined at § 672.20(f)(1)(i)(B)(I), was apportioned 100 mt of Pacific halibut PSC for the second season, the period April 1, 1995, through 12 noon, A.l.t., July 1, 1995 (60 FR 8470, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(f)(3)(i), that vessels participating in the trawl shallow-water species fishery in the GOA have caught the second seasonal allowance of Pacific halibut PSC apportioned to that fishery. Therefore, NMFS is prohibiting directed fishing for each species and species group that comprise the shallow-water species fishery by vessels using trawl gear in the GOA, except directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: Pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and “other species.”

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 8, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–11734 Filed 5–8–95; 5 pm]

BILLING CODE 3510–22–F